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The delicate task of getting accused spies to talk about themselves

Chin case provides insight into interrogators' techniques

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There is more to catching spies than phone taps and back-alley stakeouts. Sometimes the best evidence comes "from the horse's mouth."

Self-incriminating statements played a key role in the espionage conviction of Arthur Walker last summer and accused-spy Jerry Whitworth has complained about pressure by federal agents to get him to talk about his alleged activities.

The recent spate of espionage cases has brought to public view some of the more subtle strategies employed by US counterintelligence agents in their efforts to gain information or confessions from spy suspects.

From the government's point of view, self-incriminating statements are a distinct advantage to prosecutors, who must weigh the pros and cons of taking a suspect to court. With voluntary statements serving as evidence of commission of a crime, government prosecutors may be able to avoid revealing sensitive counterintelligence sources and methods used initially to gather evidence against a suspect.

The current case of accused Chinese spy Larry Wu-Tai Chin offers a rare public example of the techniques used by counterintelligence agents. Last Friday, a federal judge in Alexandria ruled that statements Mr. Chin made to Federal Bureau of Investigation (FBI) agents prior to his arrest would be admissible as evidence in his Feb. 4 espionage trial.

The ruling was a setback for Chin's defense. His attorneys had argued that FBI agents had violated Chin's constitutional right to consult a lawyer and his right to remain silent. The agents testified that, before Chin's arrest, they had elicited statements from him concerning his activities as a spy for the Chinese.

District Court Judge Albert Bryan Jr. ruled that Chin's statements were made voluntarily and, thus, were legally obtained.

For Chin, a retired Central Intelligence Agency translator accused of spying since 1952, the critical moment came on Nov. 22 when three FBI agents appeared at his door. They told him they were investigating the passing of classified information to the People's Republic of China. Would Mr. Chin help? Of course, Chin replied and showed them in. But, according to court testimony, when Chin discovered he was the subject of the FBI probe, he became evasive.

The agents, who were taking notes during the interrogation, told Chin they wanted to give him an opportunity to explain his actions voluntarily, before they took his case to Justice Department prosecutors. They suggested

(using a hypothetical example) that, if Chin cooperated with them, the Justice Department officials who decide which cases to prosecute might be more lenient in his case. It was a hypothetical suggestion — not a promise — the agents emphasized in their testimony in court.

Carefully the agents presented major portions of the government's evidence to Chin. Photos of suspected Chin contacts were laid on the table. Detailed accounts of Chin's alleged liaisons with Chinese intelligence officers were read.

"Why should I talk to you," Chin is said to have asked. The agents told Chin he was free to end the discussion at any time or to call an attorney. But the agents stressed that if he did so, they would leave immediately and take their evidence to the Justice Department.

"How do I know you aren't bluffing," Chin is said to have replied at one point.

The agents responded by relating in detail how Chin allegedly told his Chinese contact in Hong Kong Sept. 17, 1983, of a worker at the CIA who might be a lucrative recruit for Chinese intelligence.

"He was basically stunned," said FBI agent Mark Johnson, describing Chin's reaction during testimony in federal court.

"Only Ou could have known that type of information," Chin is said to have replied. ("Ou" was one of Chin's Chinese contacts, according to the FBI.)

At one point, Chin said he needed a lawyer, that he wasn't sure of his legal rights. Agent Johnson testified that he told Chin that he was a lawyer and that if Chin didn't want to talk he could remain silent. (Chin testified in court that he was confused and assumed that since Johnson was an attorney that his advice was the equivalent of the legal advice of any lawyer. Judge Bryan dismissed this argument.)

According to Johnson, Chin wanted to think about the FBI proposal overnight. When that was rejected, Chin suggested the agents tell him what they knew and he would confirm what was true. That was also rejected.

"Perhaps I could work for the government," Chin is said to have suggested. Johnson commented in his court testimony: "We [FBI agents] took that as an offer for him to work as a double agent."

Johnson said Chin was told that a decision for Chin to work as a double agent would have to be made by a higher authority. He stressed that, before such a decision could be made, Chin must tell his entire story.

At that point, Johnson testified, Chin decided to give the agents "an outline of what happened" with details to be filled in at a later date. The outline took approximately 50 minutes to complete, the agent said.

When asked to sign a statement relating what he had outlined, Chin balked and, according to FBI agent Terry Roth, said, "That would be evidence coming from the horse's mouth, and I would be the horse."